

Suggested Feedback for Evergreen Development Policy (Rev 3)

1. **Background** – Remove all statements regarding LOS D as a “goal” of the original EDP. In fact LOS D was a PREREQUISITE, as stated on page 2, under the heading “**Purpose of the 1995 Revised Evergreen Development Policy**” - Second sentence:

“The basic tenets of the original 1976 and 1991 Revised EDP have been preserved. Traffic LOS D and hundred year flood protection remain prerequisites to project approval.”

2. Please clarify:

“A minor modification was made to the EDP Ordinance in August 1998 to refine the traffic analysis methodology in order to facilitate small-scale, non-residential development. Following this modification, transportation methodology was no longer based upon screenlines, but based upon measurement at all affected intersections.”

3. As stated in **Part II. Purpose and Goals**: 2nd paragraph -

“This Area Development Policy allows continued development of the Evergreen area while balancing the community’s needs for amenities and transportation mobility. In exchange for an exceeded LOS standard, the Policy provides a mechanism to construct transportation system improvements and desired neighborhood amenities funded by private development beyond the City’s typical scope for such improvements.”

A decision of which amenities, and how many units will be built must be agreed upon and documented in this EDP before we can satisfy the terms of “In exchange for an exceeded LOS standard.....” In other words, this does not apply unless a definitive list of amenities is identified in this document, along with the phasing and approximate time of delivery.

*** If all of Tier I and Tier II amenities cannot be provided, there is no “exchange”, and therefore LOS D must be maintained at all affected intersections as provided for in the 1995 EDP.

4. **III Land Use – Affordable Housing**: “Specifically require an average of 19% affordable housing as defined in the Task Force Recommendations. This includes a requirement that any additional development project of 10 units or more using the background, “pool” unit allocation provide a minimum of 15% or 2 units, which ever is greater, of deed restricted affordable units.”
5. **III Land Use – Retail/Commercial Strategy**: “Specifically require an average of 300,000 sq ft of retail/commercial/professional office as defined in the Task Force Recommendations.”
6. **III Land Use – Development Capacity**: Major Opportunity Sites - Use the recommendations of the Task Force to populate the unit counts and types.
7. **III Land Use – Development Capacity**: Unit Pool - Use the recommendations of the Task Force to populate the unit count. Agree with need to allocate 25% for projects of **10 units** or less. In order to allow the pool to meet its goal of providing 10 years of pool allocation, the remaining allocation (75%) will only apply to projects of **40 units** or less. Due to the size and other impacts of projects larger than 40 units, they will require an update to the policy and additional environmental review, and are not covered under this EDP. (applies to VIII. Implementation , pg 25)
- 8*. **III Land Use – Development Capacity**: Industrial Development Sq Ft - Use the recommendations of the Task Force to populate area for development. Use a FAR of ??? to determine maximum Industrial capacity.
- 9*. **III Land Use – Public Uses**: Is it customary to exempt schools, and blanket federal projects from pool allocations considering the potential impact on traffic flow during commute hours?

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10. IV. Traffic Policy and Standards: Level of Service Standards – 2nd paragraph:

“As a result, additional analysis of traffic impacts may be necessary for development occurring under this Policy if they exceed the specified LOS Standard indicated in Table ___ below. In any case all development projects within the Policy area will still be subject to traffic operational analysis, and an annual monitoring report as was required under the previous EDP.”

“All other EDP area intersections are projected and required to maintain LOS “D” or better for AM and PM traffic conditions.”

Remove **San Felipe/Yerba Buena** and **Nieman Blvd/Yerba Buena** from the list of Intersections.

11. V. Schools: Include recommendations from the TF motions of September 25th 2006, which stipulated number of schools, type of schools (K-6, K-8, High Schools) their locations and minimum parcel sizes. In addition the recommendation for working with PRNS to establish joint use agreements.

12. VI. Transportation Infrastructure: Project Transportation Improvements – Item 4) Add *“To mitigate the Capitol Expressway LR impact, we recommend the VTA modify its plans regarding the LR project, dropping its requirement to remove traffic lanes, and retain all four traffic lanes in each direction, converting the current HOV lanes into a full use, mixed flow lanes.”*

- Considering Caltrans response to Hwy 101 improvements in the EIR, the City of San Jose must secure an agreement with the appropriate agencies that will ensure improved throughput on Hwy 101. Otherwise project recommended improvement would not provide the required traffic mitigation.
- Mitigation will be provided in the Arcadia project area for impacts, such as cut through traffic, created by development of greater community serving amenities such as ball fields and shared facilities.

13. VII. Community Amenities: List on page 22 to be removed and replaced with final Task Force list.

Additional Input:

Include these base recommendations into the EDP where appropriate. These provisions are in the majority Task Force recommendation, listed in the *“Proposal submitted by Jim Zito”*

- If funds become available from State or Federal funding for Highway 101 or other traffic infrastructure improvements, these funds will be collected and used solely for maintenance and operations of the project area amenities and/or allocated solely for EEHVS project area purposes.
- Residential development on the Arcadia site cannot occur until light rail or alternative transit “breaks ground” on a Capitol Expressway/Eastridge Station. However, the Arcadia Community Center should be constructed in Phase II as defined in the Development Phasing Schedule.
- All traffic infrastructure improvements and amenities are funded 100% by development unit sales, not a buyer funded CFD. If a buyer funded Community Facilities District (CFD) funding is adopted, the total number of units developed will be reduced proportionally.
- The Pleasant Hill Golf Course site will have 40% reserved for Parks & Open Space.
- Street and parking design will accommodate a free flow of traffic with adequate parking to accommodate additional unit occupancy growth.
- **Tandem parking designs will not be permitted in 2-car garage designs.**
- Background “pool” units would contribute to amenities and infrastructure funding in the same proportion as proposed project units. All future background units built will have an amenities contribution levied equivalent to an average of 11% of total amenities fund value, or an amount proportional to proposed opportunity site units being considered. A sliding scale may be used to provide incentive for affordable housing and other public policy goals.